



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First, Second,
and Third Tuesday of each month

County Courthouse
Bridgeport, California 93517

REGULAR MEETING

December 11, 2007

9:00 a.m. Meeting Called to Order by Chairman Hazard

Pledge of Allegiance led by Supervisor Farnetti

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD MEMBER REPORTS

Supervisor Reid reported on the following issues and activities:

1. Attended the Town/County Liaison meeting. The owner of Sierra Center Mall made a presentation about proposed building upgrades; he is hoping for an extended commitment from the County to continue renting space. Will be unable to attend the meeting on the 17th for a follow-up presentation; suggested one of the Supervisors who lives in Mammoth attend.
2. Missed the Antelope Valley RPAC last Wednesday night due to weather. Will follow-up next month about the Sierra Resource Conservation and Development Council membership, and find out if the Bridgeport Chamber of Commerce is still an active member.
3. Attended a Northern Chamber Christmas social on the 8th.
4. Attended the LTC yesterday. The recent snow has slowed progress on the gasex project.
5. Regarding the High Point curve correction project, Caltrans seems to be encouraging the County not to proceed with the full project. The full project could present economic issues for the community. Reid asked Caltrans for a report at next month's LTC.
6. Will be attending a meeting at the Schurz Indian reservation as a member of the Walker Lake stakeholders group.

Supervisor Hunt reported on the following issues and activities:

1. Attended the Sierra Nevada Conservancy symposium and board meeting. The symposium addressed global warming and concluded that the trend exists. The big question is how people will respond and adapt. Future issues associated with global warming will include

more regulations, high energy costs, human migration patterns, and impacts to agriculture. Missing from the dialogue was a discussion about population and its effects on quality of life. The board met the next day to evaluate the symposium and award first-round grants. They awarded \$2.8 million to various water-based projects; Mammoth Lakes Tourism and Friends of Inyo both received grants.

2. Attended the Christmas tree lighting ceremony in Mammoth on Friday.
3. Attended the Disabled Sports of Eastern Sierra fundraising event on Sunday.

Supervisor Bauer reported on the following issues and activities:

1. Attended the June Lake scoping meeting last Tuesday night. Everyone was respectful and the consultant's work is very professional.
2. Attended the Town Council meeting on Wednesday to hear the Assessor speak.
3. The child care subcommittee met on Thursday. Bauer is working with Mary Canada on an outdoor program that targets high school kids.
4. Attended an OHV meeting in Sacramento over the weekend.
5. Met in Mammoth yesterday with the High Sierra Energy Council; they discussed how to move into the future and partner with the County. High Sierra Energy is a critical link with the proposed Aircon project.
6. Catherine Handsburg's economic study is nearly finished; January 16th is the next meeting of the CAC.

Supervisor Farnetti reported on the following issues and activities:

1. Received a call last Friday from Mammoth Nordic regarding storage for a trail groomer. The CAO helped solve the problem in the short term, and possibly the long term.
2. Referred to an insert that came with a tax bill from San Diego County. The insert provided helpful information about all the taxing entities and their share of the taxes, and information about property tax assistance for seniors and people with disabilities. Also, people can pay their tax bill on line (the customer is charged a fee by the credit card company). This may be something the Mono County tax collector can consider.
3. Attended the LTC meeting yesterday. They approved funds for operating assistance for ESTA, and approved additional funding for a 33 passenger bus for CREST service. Inyo County LTC and Mono County LTC staffs were directed to apply for grants for capital projects. The gasex exploders are installed but not yet operational; they need to be wired. There was also an update about the new five-year STIP program for Mono County.

Chairman Hazard reported on the following issues and activities:

1. Attended the scoping meeting in June Lake last Tuesday; it was very productive.
2. On Wednesday attended the Town Council meeting at which the County Assessor spoke. It became apparent that there are significant issues. At this meeting the Assessor disclosed that Mammoth Mountain will be completed in August of 2008; he has been telling the Board the matter would be completed 3-4 weeks after receipt of the required documents.
3. Held office hours in Benton on Friday. Constituents expressed concern about the EMS property; the community wants assurance about the project. Regarding economic development issues, including the Highway 6 corridor, people want a discussion so issues can move forward. The community also wants further discussion about a way to develop a County cemetery in Tri Valley. Constituents raised questions about the CSA and funding sources; people want to exempt out because the CSA is viewed as only a TV service. Hazard asked the Finance Director and/or County Counsel to attend an RPAC meeting to explain the role of the CSA.
4. Attended the LTC meeting on the 10th. Regarding the High Point curve project, Caltrans' position (about scaling back the project) is correct, but this area has safety concerns and will

continue to have safety concerns in the future. Hazard supported completing as much of the project as possible, since scaling back may create future problems.

5. A group of teenagers from a local church would like to work on projects in the community, such as doing yard work for seniors. Supervisors should let Hazard know about any opportunities.
6. Asked the CAO to follow-up on the status of the chairs for the Board Chambers.
7. Received a copy of a letter written by the California Department of Food and Agriculture in reference to the bighorn sheep issue. Their letter appears to reiterate a number of points addressed by the Board. Hazard will provide copies to the other Supervisors if needed.

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (**David Wilbrecht**)
RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht, CAO, reported on the following issues and activities:

1. Attended several meetings: (a) June Lake scoping meeting to hear the consultant talk about CEQA documents; (b) Town Council meeting to listen to the report by the County Assessor; (c) Town/County joint meeting, at which a request came forward to hold a joint meeting on January 15th with the Department of Fish and Game, the County, and the Town. The Board can either end their regular meeting at noon and reconvene in Mammoth, or hold an adjourned meeting. The Board expressed no preference.
2. Met with the Sheriff regarding various subjects.
3. Still working through glitches with the Novus agenda software; will continue the process tomorrow. After the issues are resolved, will move to implement the software County wide.
4. Met with Public Works regarding the Sierra Center Mall third floor improvements; this matter will be on next week's agenda.
5. Toured the new Westin Hotel in Mammoth; it is a nice facility.
6. The owner of Sierra Center Mall would like the County to extend its lease. The owner claims he will spend up to \$2 million for improvements to the building.
7. Spoke with Supervisor Farnetti about housing Mammoth Nordic's trail groomer. The Town has space at the ice rink facility and the County has a metal building that will accommodate the equipment. Will bring a plan to the Board.
8. Tomorrow the CAO's office in Mammoth will move temporarily to the second floor.
9. Planning a trip to Walker on Thursday with Supervisor Reid in order to finalize aspects of the IMAAA MOU; it will be a revision of the existing document.
10. Will meet with the Assessor on Thursday to discuss management issues.
11. Due to cold weather, the paramedic ambulance is hard to start. A new facility to house the ambulance won't be available until spring; need to work with the local fire district about temporary housing.
12. Since January 1st is a holiday, the Board's first meeting of the month would be on Wednesday, January 2nd, however, some Board Members and staff will not be available. The suggested schedule for January is to cancel the meeting on the 2nd, hold regular meetings on the 8th and the 15th, and schedule a special meeting on the 22nd. Will agendize this matter for next week.

- 2a) **APPROVAL OF MINUTES**
M07-278 Regular meeting of November 13, 2007.
(Farnetti/Hunt, 3-0; Bauer and Reid abstain)
- 2b)
M07-279 Regular meeting of November 20, 2007.
(Hunt/Farnetti, 5-0)

CLOSED SESSION

Closed session from 9:03 a.m. through 10:00 a.m. Recess from 10:00 a.m. through 10:05 a.m.; reconvened at 10:05 a.m. Reconvened closed session from 11:05 a.m. through 11:54 a.m.; recess for lunch at 11:54 a.m. Reconvened closed session from 2:37 p.m. through 3:50 p.m.; reconvened and adjourned at 3:50 p.m.

- 3) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, and Brian Muir. Unrepresented employees: All.
- 4) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, Richard Scholl and Brian Muir. Unrepresented employees: Undersheriff.
- 5) CONFERENCE WITH LEGAL COUNSEL. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. Number of potential cases: one.
- 6) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION. Government Code § 54956.9 (a). Name of Case: *United States of America and Walker River Paiute Tribe v. Walker River Irrigation District, et al.* (U.S. Dist. Ct., Nevada District, Case No. C-125.)
- 7) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representative: to be announced. Unrepresented employees: county counsel and county administrator.
- 8) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Subdivision (a) of Government Code section 54956.9. Name of Case: Federal Energy Regulatory Commission proceeding re: SCE Project 1390 (Lundy Hydroelectric).

- 9) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Facts and circumstances: CalTrans' proposed eminent domain action to acquire a portion of certain County-owned property at the corner of Highway 395 and Topaz Lane for certain highway safety improvements.
- 10) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9. Number of potential cases: two.

The Board had nothing to report from closed session.

DEPARTMENT REPORTS/EMERGING ISSUES

Lynda Roberts reported on the following:

1. Effective January 1, 2008, the State has revised the marriage license forms. Upgrading current software will cost \$10,000, so the Clerk's Office is pursuing more cost-effective solutions. One option, which would cost approximately \$2,500, is available through another software vendor; or the IT Department has suggested an in-house, automated solution.
2. The Governor recently signed AB 1168 that requires redaction of social security numbers on recorded documents (property documents) dating back to 1980. Current software vendor is working on an automated solution to help counties comply; we do not yet have a cost for upgrading software. Will keep the Board updated as receive more information.

Mary Booher reported on the following:

1. Update about health care reform. The proposed administrative cost to counties is \$1.2 million, along with making various realignment funds accessible. Counties have agreed to stay unanimous on this issue; however, there is concern that change will happen quickly, and counties will be "sacrificed" if the issue goes to voters.

Julie Tiede reported on the following:

1. Updated the Board about the transition in Child Support to the State system, which will take place on January 2nd. Mono County offices will be open on December 31st and also during the transition period. The intent of the change is to automate and standardize the child support process and eliminate individual decision making. This creates problems, however, and staff is working to avoid these problems. The State will provide on-site support for three weeks.

Evan Nikirk reported on the following:

1. Two issues regarding Christmas trees: (1) The Bridgeport Academy received permission to put a tree on the Courthouse lawn, in conjunction with a community service project (collecting non-perishable food items). This request was viewed as a nice community project, and the Academy will collect the food each night. So far, Public Works has not received any calls about the tree. (2) For at least 20 years, Public Works has taken orders from departments for Christmas trees, cut the trees, and set them up in the offices. Last year this process took two days of staff time; this is not an appropriate use of County time. This will be the last year that Public Works provides this service; offices can do this on their own time. Supervisor Reid agreed it is not an appropriate use of staff time to cut and place 40 trees, but he supported using staff time to cut and place trees in two common areas: the Courthouse and the foyer in Annex II.

Brian Muir reported on the following:

1. There is a problem with structured investment vehicles. Orange County has \$2.3 billion in an extended investment fund, with 20% in SIVs, and Florida's pool was recently frozen. Mono County does not invest in SIVs.

CONSENT AGENDA

(All matters on the consent agenda are to be approved in one motion unless a board member requests separate action on a specific item)

HEALTH DEPARTMENT

- 11) Retirement Resolution for Laurie Gunby
ACTION: Approve retirement resolution honoring Laurie Gunby for her years of service to Mono County.
(Hunt/Reid, 5-0)
- M07-280**

BOARD OF SUPERVISORS

- 12) Amendment to Board Minutes of October 9, 2007
ACTION: (1) Consider approving Supervisor Reid's proposed amendment to the October 9, 2007, Board minutes. The proposed amendment is as follows: Page 1, Supervisor Reid's Board Member Report, Item #5, delete last line, which reads, "A Canadian company that has holdings in North County, will meet with the Chamber about the company's interest in some property." Replace by adding Item #6, "Cougar Gold, a Canadian mining company, is interested in the old Paramount Mine, up Aurora Canyon Road. I met with two of their representatives; they will keep us updated on their progress." (2) If the amendment is approved, direct the Clerk of the Board to make this correction.
(Hunt/Reid, 5-0)
- M07-281**

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

#	Received	Dated	From	Subject
13a)	11-28-07	11-26-07	Winter King, Shute, Mihaly & Weinberger LLP, addressed to Karl E. Geier, Miller Starr Regalia; cc: Mono County Board of Supervisors	Cunningham Property

13b)	11-30-07	Postmark 11-27-07	Dick Noles, Chairman, Advocates for Access to Public Lands	Effort to establish a new federally legislated public lands use designation dedicated to the preservation of existing roads and motorized recreation.
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Chairman Hazard acknowledged receipt of the correspondence.

ECONOMIC DEVELOPMENT & SPECIAL PROJECTS

- 14) Review and Potentially Approve Request for Funding from Fish & Game Fine Fund for Cal-Tip K-9 Program (**Dan Lyster**)
ACTION: Discuss and consider possible funding of \$1,000 from the Fish & Game Fine Fund for the Cal-Tip K-9 Program.

Dan Lyster: The Fisheries Commission considered this request. The concept is that individual wardens would apply for a dog and attend training to learn how to be a handler. A dog would be trained to serve specific detection needs, or would provide a dual purpose, including detection and apprehension (tracking down poachers). There have been no requests from wardens in this area; this is a relatively new program so wardens in Mono County haven't been using dogs. The Fisheries Commission did not think this was a necessary expense at this time, so they did not recommend funding. Also, the money would be deposited into a State account to be used as needed in various locations.

Supervisor Reid said this request should not be funded until a warden expresses interest. Chairman Hazard suggested taking local action if the need arises. Board Members agreed.

On a related note, Lyster said there is currently an opening on the Fisheries Commission, and they could use a representative from the Walker area.

BOARD OF SUPERVISORS

- 15a) Report by Deborah Hess, Regional Manager of Public Affairs, from Southern California Edison regarding new technology and infrastructure upgrades in the Eastern Sierra (**Deborah Hess**)
ACTION: (1) Receive a report and comments from Deborah Hess, Regional Manager of Public Affairs, from Southern California Edison regarding new technology and infrastructure upgrades in the Eastern Sierra. (2) Direct staff on Board's preferences and next steps, if any, regarding Ms. Hess' report.

This item was pulled and will be rescheduled.

15b)

Proposed Transit Fee Increase (Monika Watterson, ESTA)

ACTION: (1) Conduct workshop on proposed ESTA transit fee increase.
(2) Provide any desired direction to staff.

Phil McGuire, ESTA Interim Executive Director, reported. He provided the following information:

- There has been no increase since 1998, so the percentage change will be significant.
- The increase is needed in order to balance the budget.
- Most transit operators implement frequent increases so fares are adjusted on a more consistent basis.
- ESTA is considering discussing fare increases more regularly, and is also considering a structure of routine and consistent fare increases.
- Research indicates that current fares are well below comparable agencies.
- Regarding public notification about the proposed increase, efforts were made to collect data from the public and encourage public input at meetings; news articles were published in local papers, announcements were made on radio stations, and agencies impacted by an increase (such as IMAAA) were contacted. Even with this outreach effort, response has been virtually nonexistent. ESTA has only received seven emails, and some feedback from drivers.
- This adjustment is necessary in order to maintain the fare box ratio, which impacts the receipt of State funds.
- This issue will come before the ESTA board on Friday as a formal public hearing.
- The increase would begin at the first of the year.

McGuire then addressed Board questions:

- Supervisor Hunt asked about the lack of public interest. McGuire said there seems to be a general understanding about the need for the adjustment and it is considered appropriate.
- Supervisor Farnetti asked how people qualify for discounted fares. McGuire said discounted fares are available for the elderly and people with disabilities; some discounts are federal requirements.
- Supervisor Reid asked about the proposed fare decrease. McGuire said the monthly pass will be reduced from \$75 to around \$50.
- Supervisor Bauer asked about the income projection. McGuire said he did not have the information available today, but will report this at the meeting on Friday. The estimate is based on a presumption that current ridership will continue. They haven't projected a loss in ridership, but expect increases to slow down.
- Chairman Hazard asked if ESTA had done public outreach in Tri Valley. McGuire said they put announcements on all the buses, gave information to drivers to distribute to riders, and notified people in outlying areas that had prior contact or interest in ESTA. Everyone in the system was notified one way or another.

DEPARTMENT OF FINANCE

16)

Cellular Phone Policy and Procedures (Brian Muir)

ACTION: Approve County of Mono Cellular Phone Policy and Procedures with an effective date of January 1, 2008.

M07-282

(Bauer/Hunt, 5-0)

Brian Muir: This policy came about largely as a result of the IRS reviewing cell phone use (this proposed policy is a preventative measure). The new policy includes two alternatives: (1) an involved record-keeping process for County-issued cell phones (maintained by each department head), or (2) a taxable allowance with a requirement to be accessible via cell phone. The basic allowance would be \$25 per month for business use less than 100 minutes; allowances would increase for greater usage. An annual renewal procedure would be included with the allowance option. This policy was distributed to all department heads prior to bringing it before the Board.

Muir then answered questions:

- Supervisor Farnetti asked about the number of County cell phones currently in use. Muir said the Sheriff's Office uses phones, along with one or two other departments; one department provides an allowance. The proposed policy would make cell phone use uniform.
- Supervisor Reid asked how departments get cell phones. Muir said there are currently individual policies.
- Chairman Hazard asked about transitioning to the new policy. Muir said agreements would be implemented with employees that have County phones whereby the employee could keep the phone, become responsible for the contract, and receive an allowance.

Supervisor Farnetti supported the tiered allowance approach. Supervisor Reid said he would like to know how many County phones are currently being used. Also, if the policy is approved, he would like a follow-up report in a few months comparing the economic impact.

~ LUNCH RECESS ~

Recess from 11:54 a.m. through 1:00 p.m.; reconvened at 1:00 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

HEALTH DEPARTMENT

- 17) Retirement Resolution for Laurie Gunby (**Lynda Salcido**)
ACTION: Present retirement resolution to Laurie Gunby honoring her for her years of service to Mono County.

Chairman Hazard read the resolution and presented it to Ms. Gunby. The Board congratulated Ms. Gunby and thanked her for her years of service.

COMMUNITY DEVELOPMENT

- 18) Building Ordinance Amendment (**Stacey Simon and Scott Burns**)
ACTION: (1) Introduce, read title, and waive further reading of a proposed ordinance modifying portions of the 2007 California Building Standards Code, including provisions for local ground snow loads and reiterating Section 15.04.240
- M07-283**

of the Mono County Code regarding high rise building code requirements. (2) Direct Clerk to schedule ordinance for adoption at the Board's next regular meeting. (3) Direct filing of modification, if approved, with the California Building Standards Commission.

(Bauer/Farnetti, 5-0)

Stacey Simon: In June of this year, the 2007 building standards code was adopted. When this happens there is an opportunity for local jurisdictions to make modifications or changes to what the State has adopted, with limitations (outlined in the staff report); the new code will take effect January 1, 2008. The Community Development Department considered necessary changes, and the proposed ordinance includes two modifications: (1) carries forward the existing requirements for ground snow load; (2) carries forward requirements pertaining to high-rise structures. Scott Burns said the snow loads are related to DWP provisions.

COUNTY COUNSEL

19) Long Valley Fire Protection District's proposed modification to California Building Standards Code **(Stacey Simon and Fred Stump)**

M07-284 ACTION: (1) Ratify, with modifications, the ordinance of the Long Valley Fire Protection District adopting building standards relating to fire and panic safety that are more stringent than those contained in the California Building Standards Code. (2) Direct the Clerk to transmit a copy of the District's ordinance, along with a copy of the District's resolution making findings in support thereof, and a copy of the Board's minute order ratifying the ordinance, to the Department of Housing and Community Development.

(Hazard/Hunt, 5-0)

Chairman Hazard passed the gavel to Vice Chair Bauer.

Stacey Simon: This is an ordinance that Long Valley has been working on for some time; they are working to enact modifications to the fire standards code. The changes have to be more stringent than the State code and they have to be ratified by the governing body. Simon reviewed the proposal as to legal form. There are not any legal issues, so the question is whether or not the Board agrees with the proposed changes. The Board is being asked to ratify, reject, or make changes and ratify as changed.

Fred Stump: Thanked Stacey Simon for her hard work on this issue. The Long Valley Fire Protection District Board held two public meetings, and only received one negative comment about not allowing wood shake roofs. The proposal is appropriate to the jurisdiction given the current development and potential development. Consistency needs to be maintained, which this ordinance will accomplish. The proposed changes address the following issues:

- Changes to definitions.
- Fire hydrant locations.
- Sprinkler system requirements.

- Restates certain commercial requirements.
- Building standards—specifically roofing, ventilation control, and exterior wall roofing materials.
- Banned wood shake roofs and siding.

Supervisor Reid referred to definitions in the ordinance (defensible space and fire break), and said it does not give dimensions. Stump said these definitions are in the State's regulations.

Supervisor Farnetti asked about treated wood shake. Stump said they can be used and it is possible to create an acceptable assembly, but they generally have a five-year life span. Also, fire fighters will work to save structures that are most likely to survive; structures with wood shake roofs are considered too risky.

Supervisor Hunt referred to Trex decking material and said that recent opinions consider it to be unacceptable. Stump said he had not heard a negative report about this material; because of its density, fire does not seem to ignite. The fire district board did not address Trex decking because it would be premature.

Chairman Hazard referred to the definition of fire break; he expressed concern about including the word "grass" since it could be misinterpreted to include maintained grass. Stump said this definition has traditionally meant wild grass, and not maintained lawn; there is nothing currently in the public resources code that says a person can't have mowed grass. However, this clarification can be included. Simon said the Board can ratify the ordinance with the modification. Hazard said he would like to specify the type of grass; Stump suggested using terminology about grass that is not maintained.

Supervisor Bauer asked how many people were notified about the proposal. Stump said this was published as required by the Brown Act, plus they notified the contractors' association in September. They also put a message on the public information system, and published the item as a hearing at two board meetings. Stump said they have the support of the community and homeowners. The homeowners will not be required to do any retrofitting, but extensive remodeling will be impacted.

Regarding the potential issue with the definition of "fire chief", Simon brought this to the District's attention; Stump reviewed the issue and determined it would not create a problem. Stump said this is Long Valley's code and they wouldn't expect the County Fire Chief to conform.

Regarding the Board's modification, Simon said the Board could ratify the ordinance as modified, and she will provide a new version to the Clerk for distribution to the appropriate agency.

ADJOURN: 3:50 p.m.

Mono County Board of Supervisors' next regular session will be on **December 18, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

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